

OFFICE COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADELPHIA RECOVERY TRUST, :

Plaintiff, :

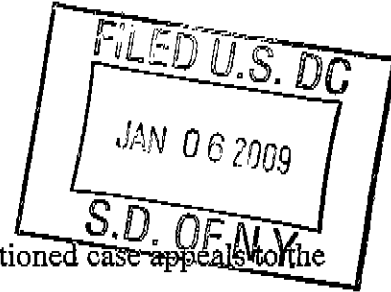
-against- :

BANK OF AMERICA, N.A., et al., :

Defendants. :
-----X

No.: 05-Civ-9050 (LMM)

NOTICE OF APPEAL



Notice is hereby given that Plaintiff in the above captioned case appeals to the United States Court of Appeals for the Second Circuit from the Judgment dismissing Counts 1-16, 33-35, and 41-52 of the Second Amended Complaint, as set forth in the Order Granting The Non-Agent Lenders' Motion For Entry Of Final Judgments Pursuant To Federal Rule Of Civil Procedure 54(b) entered by the Southern District of New York in this action on the 8th day of December, 2008, and from the Memorandum and Order entered by the Southern District of New York in this action on the 17th day of June, 2008, and the Decision and Order on Motion to Dismiss entered by the Bankruptcy Court of The Southern District of New York in this action on June 11, 2007.

Dated: New York, New York
January 5, 2009

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP

By: _____

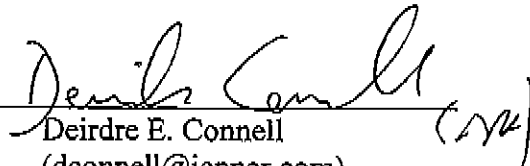
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Floating Rate Income Fund; Nuveen Senior
Income Fund; Nuveen Floating Rate Income
Opportunity Fund; and National City Bank
of Pennsylvania